

12 KAR 3:017. Brand and product names.

RELATES TO: KRS 250.501, 250.521, 250.531

STATUTORY AUTHORITY: KRS 250.571(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.571(1) authorizes the Director of the Agricultural Experiment Station to promulgate administrative regulations necessary for efficient enforcement of KRS 250.491 to 250.631. This administrative regulation establishes the conditions for use of a brand or product name.

Section 1. (1) A flavor designation shall:

(a) Not be used on a pet food label unless the flavor is:

1. Detectable by a recognized test method; or
2. Distinguishable by the pet; and

(b) Conform to the name of its source as shown in the ingredient statement. The word "flavor" shall be printed in the same size type and equally conspicuous as the ingredient term from which the flavor is derived.

(2) A distributor shall supply verification of the designated or claimed flavor upon request of the director.

Section 2. The designation "100 percent" or "all" or words of similar connotation shall not be used in the brand or product name of a pet food if it contains more than one (1) ingredient. Water sufficient for processing, a required decharacterizing agent or trace amount of a preservative or a condiment shall not be considered an ingredient.

Section 3. The terms "meat" or "meat by-products" shall be qualified to designate the animal or animals from which the meat or meat by-products are derived, unless the meat is from cattle, swine, sheep, or goats.

Section 4. The name of the pet food shall not be derived from one (1) or more ingredients of a mixture to the exclusion of the other ingredients, except as specified by Sections 1, 5, and 6 of this administrative regulation. If an ingredient or combination of ingredients is intended to impart a distinctive characteristic that is important to the purchaser, the name of that ingredient or combination of ingredients may be used as a part of the name of the pet food if:

- (1) The ingredient or combination of ingredients is present in sufficient quantity to impart a distinctive characteristic to the product or is present in an amount which has a significant bearing upon the price of the product or upon acceptance of the product by the purchaser;
- (2) The name does not imply that the ingredient or combination of ingredients is present to the exclusion of other ingredients; and
- (3) The name is not false or misleading.

Section 5. If an ingredient or a combination of ingredients derived from animals, poultry, or fish constitutes ninety-five (95) percent or more of the total weight of a pet food, the name or names of the ingredient or ingredients may be a part of the product name. If more than one (1) ingredient is part of the product name, all of the ingredient names shall be in the same size, style and color print. Water sufficient for processing shall be excluded when calculating the percentage of the ingredients. The named ingredients shall constitute at least seventy (70) percent of the total product.

Section 6. (1) If an ingredient or a combination of ingredients constitutes at least twenty-five (25) percent but less than ninety-five (95) percent of the total weight of a pet food, the name or names of

the ingredient or ingredients may form a part of the name of the pet food if:

(a) Each of the ingredients constitutes at least three (3) percent of the product weight excluding sufficient water for processing; and

(b) The product name:

1. Includes a primary descriptive term such as "dinner", "platter", or similar designation; and

2. Describes the contents of the product without being misleading.

(2) If the names of more than one (1) ingredient are shown, they shall appear in the order of their predominance by weight.

(3) An ingredient name and the primary descriptive term shall be in the same size, style and color print.

(4) Water sufficient for processing shall be excluded when calculating the percentage of the ingredients. The named ingredients shall constitute at least ten (10) percent of the total product.

Section 7. A contraction or coined name referring to an ingredient shall not be used in the brand name of a pet food unless it is in compliance with Sections 1, 4, 5, or 6 of this administrative regulation. (AES-2 (1973)-PF 3; 1 Ky.R. 1002; eff. 6-11-75; Am. 23 Ky.R. 1615; eff. 1-10-97; 25 Ky.R. 1090; 2361; eff. 4-14-99.)